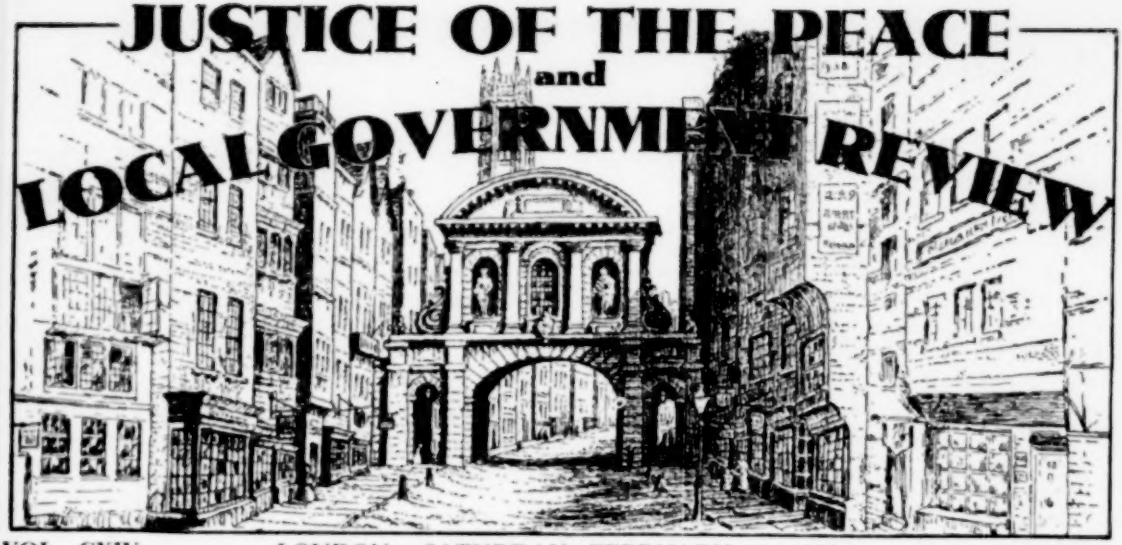

VOL. CXIV. LONDON: SATURDAY, FEBRUARY 18, 1950. No. 7

CONTENTS

REPORTS

Official Advertisements, Tenders, etc.

Official Advertisements (Appointments, Tenders, etc.), 2s. per line and 3s. per displayed headline. Miscellaneous Advertisements 24 words 6s. (each additional line 1s. 6d.) Box Number 1s. extra. *Latest time for receipt—9 a.m. Wednesday.*

None of the vacancies in these columns relates to men and women coming within the provisions of the Control of Employment Order, 1947, S.R. & O., No. 1011, or the vacancy is for employment exempted from the provisions of the Order.

Amended Advertisement

BOROUGH OF CHELTENHAM

Appointment of Legal and General Clerk

APPLICATIONS are invited from persons having experience in local government and/or a solicitor's office, for this appointment in the Town Clerk's Office, at a salary in accordance with Grade A.P.T. II (£420—£465 per annum) and subject to the National Scheme of Conditions of Service. The person appointed will be required to assist in the general legal work of the department and to carry out such duties as may be allocated to him from time to time. The appointment is subject to one month's notice on either side and to the successful candidate passing a medical examination and contributing to the Council's Superannuation Fund. Applications, accompanied by copies of not more than two recent testimonials, to be sent to the undersigned not later than February 27, 1950.

F. D. LITTLEWOOD,
Town Clerk.

Municipal Offices,
Cheltenham.

OXFORDSHIRE AND BERKSHIRE LOCAL VALUATION PANELS SCHEME, 1949

Appointment of Clerk to Panel Area No. I

APPLICATIONS are invited for the whole-time appointment of Clerk to Panel Area No. I, covering the County of Oxford (with the exception of the Borough and Rural District of Henley), the City of Oxford, the Borough of Abingdon and the Rural Districts of Abingdon and Faringdon. The office of the Panel will be situated in Oxford.

The salary is £635 per annum to £710 per annum with travelling allowance and subsistence of the appropriate scale. Candidates should have a knowledge of the law and practice of rating and valuation, and experience of Court procedure or of the work of an Assessment Committee is desirable. The successful candidate will be required to pass a medical examination.

The appointment is terminable by three months' notice on either side, and is subject to the terms and conditions set out in Ministry of Health Circular 94/49.

Applications, stating age, qualifications, experience and particulars of present and previous appointments, should include a recent testimonial and the names of two persons to whom reference may be made. They should reach the undersigned not later than February 28, 1950.

G. G. BURKITT,
Acting Clerk to Panel Area No. I.

County Hall,
Oxford.

BOROUGH OF BRIDLINGTON

Appointment of Assistant Solicitor

APPLICATIONS are invited for the above appointment at a salary according to Grade A.P.T. V(a) of the National Scales of Salaries (£550 – £20—£610 per annum).

The appointment will be subject to the Local Government Superannuation Act, 1937, to the successful applicant passing a medical examination, and to the National Scheme of Conditions of Service, and will be terminable by one month's notice.

Applications stating age, qualifications and experience, present and past appointments (if any), accompanied by copies of two recent testimonials, and endorsed "Assistant Solicitor" must reach the undersigned not later than February 22, 1950.

Canvassing, directly or indirectly, will disqualify and candidates must disclose in their applications whether to their knowledge they are related to any member or senior officer of the council.

S. BRIGGS,
Town Clerk.

Town Hall,
Bridlington.
January 30, 1950.

OXFORDSHIRE AND BERKSHIRE LOCAL VALUATION PANELS SCHEME, 1949

Appointment of Clerk to Panel Area No. II

APPLICATIONS are invited for the whole-time appointment of Clerk to Panel Area No. II covering the County of Berks (with the exception of the Borough of Abingdon and the Rural Districts of Abingdon and Faringdon), the County Borough of Reading and the Borough and Rural District of Henley. The office of the Panel will be situated in Reading.

The salary is £685 per annum to £760 per annum and travelling and subsistence allowance will be paid on the scale authorised for the appointment. The provisions of the Local Government Superannuation Act, 1937, will apply.

The appointment will be terminable by three months' notice on either side. The successful candidate will be required to pass a medical examination.

Candidates should have a knowledge of the law and practice of rating and valuation. Applications, stating age, qualifications, experience, and particulars of present and previous appointments, should include a recent testimonial and give the names of two persons to whom reference may be made. They should reach the undersigned not later than February 28, 1950.

H. J. C. NEOBARD,
Acting Clerk to Panel Area No. II.

Shire Hall,
Reading.

Amended Advertisement

ROYAL BOROUGH OF NEW WINDSOR

Deputy Town Clerk

APPLICATIONS are invited from solicitors or others, preferably with local government experience, for this appointment within the range of A.P.T. Grades VII and VIII (£635—£760), according to qualifications and experience. Housing accommodation is available.

Further particulars may be obtained from the undersigned. Closing date February 25, 1950.

R. WEBSTER STORR,
Town Clerk.

Municipal Offices,
Kipling Memorial Building,
Windsor.

CITY AND COUNTY OF NORWICH

Appointment of Probation Officer

APPLICATIONS are invited for the appointment of a full-time female Probation Officer.

The appointment will be subject to the Probation Rules, 1949, and the salary will be according to the scale prescribed by those Rules.

The successful applicant will be required to pass a medical examination.

Applications stating age, present position, qualifications and experience, together with copies of not more than three recent testimonials must reach the undersigned not later than Saturday, March 18, 1950.

H. A. SHARMAN,
Secretary of the Probation Committee.

Guildhall,
Norwich.

HAYES AND HARLINGTON URBAN URBAN DISTRICT COUNCIL

Appointment of Assistant Solicitor

APPLICATIONS are invited for the appointment of Assistant Solicitor at a salary in accordance with the National Joint Council's Scale as under, plus appropriate London "weighting": (*a*) After admission and on first appointment within A.P.T. Division Grade Va (£550 — £610 per annum); (*b*) after two years' legal experience from date of admission within A.P.T. Division Grade VII (£635 — £710 per annum).

Experience in conveyancing and of prosecutions in the summary jurisdiction courts is desirable, and previous municipal experience would be an advantage.

The appointment is subject to (*a*) the Council's Scheme of Conditions of Service, which is based on the National Scheme with minor amendments; (*b*) the Local Government Superannuation Acts, 1937 and 1939; (*c*) the successful candidate satisfactorily passing a medical examination, and (*d*) one month's notice on either side.

Forms of application and further particulars and conditions of appointment may be obtained from the undersigned to whom completed applications should be returned not later than February 27, 1950.

A. E. HIGGINS,
Clerk of the Council.

Town Hall,
Hayes,
Middx.

Justice of the Peace
and
Local Government Review
[ESTABLISHED 1837.

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NOTES of the WEEK

Criticism of Magistrates

Considerable publicity was given recently to observations made by Mr. Justice Stable, at Cambridge Assizes, on the refusal of two justices to commit for trial on a charge of manslaughter arising out of a road accident. The learned judge was reported as saying they were not fit to be magistrates. The hearing before the two justices was stated in the press to have occupied seven hours. When a bill of indictment was preferred and the trial took place, the jury found the defendant not guilty of manslaughter and he was dealt with for dangerous driving.

The sequel has been the issue of a statement on behalf of the Magistrates' Association, as follows:—

"The council of the Magistrates' Association has received a resolution from a representative meeting of Cambridgeshire magistrates relating to the remarks made by Mr. Justice Stable on the position of two Newmarket magistrates. After hearing a further report on the matter from the executive committee of the association, the council decided to take up the matter with the Lord Chancellor, and the chairman, Viscount Templewood, agreed to forward the council's views.

"In the course of the discussion it was made clear that the council considered that a High Court Judge, before making any comments on a magistrate's action, should put himself in possession of the full facts of the case and, if possible, give the magistrate an opportunity of explaining his action."

As the matter will evidently be the subject of some kind of investigation by the Lord Chancellor, we offer no comment on the case.

The Flood of Legislation

We continue to hear laments from various sources about the many recent statutes which will need long and careful study by justices' clerks, practitioners and others, which have come upon them in such quick succession that in some instances they have had no proper opportunity for mastering a statute or regulation before they are actually in force.

One clerk to justices writes: "It must be the opinion of many lawyers that what we now require is a more determined attempt to cleanse the Statute Book of ancient and out of date Acts, a consolidation of the laws on a variety of subjects and an abstention from the passing of any new legislation, except the necessary annual Acts, for a few years to come . . . In fact we are satiated; and encumbered as we are, with Rules, Orders and Circulars, the brain exclaims, 'enough'."

We can hardly expect legislation to be at a standstill. Parliament will of course make laws as it finds them necessary. What we think we may ask is that consideration should be given to the question of a little delay in bringing new statutes into operation unless they are urgent, and in particular, we think that where it is left to a Minister to decide when a statute is to be brought into force, he should allow time for those who will be concerned with its administration to obtain a copy of the Act and of any statutory instruments, and to have a reasonable time to assimilate them, before they are actually in force. A long departmental circular by way of exposition, issued at the eleventh hour, is not the best substitute for time for study and reflection.

One correspondent suggests that the most recent Licensing Act is a reminder that a new Licensing Consolidation Act, on the lines of that of 1910, would be generally welcomed. We think it true that there are many branches of the law in need of such consolidation, but we are not sanguine about the chances that time will be available, either in Parliament or in Government departments for the heavy amount of work that would be involved.

Probation Reports

We are again receiving copies of annual reports of probation committees and probation officers. We are much obliged to clerks and others who send these to us, and we read them with interest. We intend to refer to them from time to time as space permits, and to call attention to any matters of special interest. We hope that our correspondents will accept this acknowledgment, and that if perchance they should not find any special mention of their own report they will realize that it may not be possible to deal individually with the many reports we receive.

Consent to Marriage

The Marriage Act, 1949, is largely a consolidating measure. It consists of eighty sections and six schedules. One important matter for the magistrates' courts is the repeal in the fifth schedule of s. 9 of the Guardianship of Infants Act, 1925, and the substitution of somewhat different provisions in s. 3 of the new statute. The new section is as follows:—

3.—(1). Where the marriage of an infant, not being a widower or widow, is intended to be solemnized on the authority of a certificate issued by a superintendent registrar under Part III of this Act, whether by licence or without licence, the consent of the person or persons specified in sch. 2 to this Act shall be required:

Provided that—

(a) if the superintendent registrar is satisfied that the consent of any person whose consent is so required cannot be obtained by reason of absence or inaccessibility or by reason of his being under any disability, the necessity for the consent of that person shall be dispensed with, if there is any other person whose consent is also required; and if the consent of no other person is required, the Registrar General may dispense with the necessity of obtaining any consent, or the court may, on application being made, consent to the marriage, and the consent of the court so given shall have the same effect as if it had been given by the person whose consent cannot be so obtained;

(b) if any person whose consent is required refuses his consent, the court may, on application being made, consent to the marriage, and the consent of the court so given shall have the same effect as if it had been given by the person whose consent is refused.

(2). The last foregoing subsection shall apply to marriages intended to be solemnized on the authority of a common licence, with the substitution of references to the ecclesiastical authority by whom the licence was granted for references to the superintendent registrar, and with the substitution of a reference to the Master of the Faculties for the reference to the Registrar General.

(3). Where the marriage of an infant, not being a widower or widow, is intended to be solemnized after the publication of banns of matrimony then, if any person whose consent to the marriage would have been required under this section in the case of a marriage intended to be solemnized otherwise than after the publication of the banns, openly and publicly declares or causes to be declared, in the church or chapel in which the banns are published, at the time of the publication, his dissent from the intended marriage, the publication of banns shall be void.

(4). A clergyman shall not be liable to ecclesiastical censure for solemnizing the marriage of an infant after the publication of banns without the consent of the parents or guardians of the infant unless he had notice of the dissent of any person who is entitled to give notice under the last foregoing subsection.

(5). For the purposes of this section, "the court" means the High Court, the county court of the district in which any respondent resides, or a court of summary jurisdiction, and rules of court may be made for enabling applications under this section—

(a) if made to the High Court, to be heard in chambers;

(b) if made to the county court, to be heard and determined by the registrar subject to appeal to the judge;

(c) if made to a court of summary jurisdiction, to be heard and determined otherwise than in open court,

and shall provide that, where an application is made in consequence of a refusal to give consent, notice of the application shall be served on the person who has refused consent.

(6). Nothing in this section shall dispense with the necessity of obtaining the consent of the High Court to the marriage of a ward of court.

Consultants in the National Health Service

The Ministry of Health has published a memorandum on the planning and future development of the consultant services for which the various Regional Hospital Boards are responsible. The memorandum is, therefore, of primary interest to those boards and others, including the medical profession, who are concerned with the administration of the National Health Service. In some respects, however, the memorandum is of least indirect interest to those who are responsible for the local health services and, in respect of the mental health services, to magistrates.

In regard to midwifery, for instance, whilst the institutional services are the responsibility of the Regional Hospital Boards and a domiciliary service is provided under the National Health Service Act, local health authorities provide ante-natal and post-natal clinics. Regional Hospital Boards are urged, therefore, to make arrangements for close co-operation with the local health authority services provided under Part III of the Act. The number of maternity beds theoretically required for a given population varies with the birth rate, but the Ministry is satisfied that for some years to come all the beds can be made available and staff will be necessary. It is considered probable that, in present conditions of housing and availability of domestic staff, the great majority of women would elect to be confined away from home. It is suggested that the present aim should be institutional provision for at least three-quarters of the births, recognizing that improvements in housing conditions and the availability of domestic help may modify this in the years to come.

Magistrates are greatly concerned with the administration of the mental health service and those of them who are called upon to make reception order under the Lunacy Acts will be glad to know of any efforts which are being made to avoid certification of which one of the best methods is the provision of an adequate out-patient service. In order that the clinics so provided may be of the greatest value, they should have available the Regional Pyschiatric service, which will be developed and based mainly on the mental hospitals. The out-patient service will be provided as part of the out-patient activities of the hospital centre and the clinics will usually be held in the out-patient department of general hospitals. These clinics will be staffed by pyschiatrists from all available sources. It is suggested in the memorandum that some beds should be available in the general hospitals where clinics are held. In addition it is considered to be probable that increased use will be made of neurosis centres for patients suffering from early and milder forms of mental illness not requiring admission to mental hospitals under the Lunacy and Mental Treatment Acts. It is thought that such centres might be established in association with mental or general hospitals, or alternatively a larger centre could be set up to serve several hospital areas.

The mental health of children will continue to be the concern partly of the education authorities and partly of the Regional Board. Local education authorities, as at present, will set up child guidance centres under the supervision of the school medical officer or the education psychologist. The services of the psychiatrist will be required for diagnosis and advice and to carry out short-term treatment. The Regional Board will set up clinics for child psychiatry to deal with cases which are medical rather than educational, and will carry out long-term treatment.

The burden of the care of mental defectives falls partly on the local health authority and partly on the Regional Board. Local authorities are responsible for the ascertainment of defectives and the care of defectives in the community, other than those who are on leave or licence from institutions. Children of school age will normally be "ascertained" only when they are reported by the local education committee for the purposes of the Mental Deficiency Act, 1913, on the ground that they have been found incapable of receiving education at school.

The memorandum deals in detail also with other parts of the consultant services, such as the work of the teaching hospitals, general surgery, pathology, anaesthetics cardiology, dentistry in hospitals, dermatology, diseases and surgery of the chest, infectious diseases, neurology and ophthalmology, physical medicines, plastic surgery, radiotherapy, venereal diseases, and the blood transfusion service.

DIVORCE AND MATRIMONIAL ORDERS

The effect of a decree absolute of divorce upon a pre-existing order made under the Summary Jurisdiction (Separation and Maintenance) Acts is not the subject of any statutory authority. The matter has been dealt with empirically by the courts, and from time to time a fresh decision has served as a guide to magistrates on this difficult issue. By its very nature the question is not one amenable to a comprehensive answer, and the tenor of all the principal cases upon which courts have been able to rely is that in any single issue affecting divorced parties in respect of whom there exists an order made under the Summary Jurisdiction (Separation and Maintenance) Acts, the matter is one for the exercise of judicial discretion by the responsible bench, such discretion to be exercised in the light of all the attendant circumstances.

The most recent authority on this matter is *Prest* v. *Prest* (1950) 114 J.P. 1, but before we consider its implications it will be advisable to review rapidly some earlier decisions which were mentioned in the course of the case and which serve to throw it into due perspective.

The leading case in this branch of matrimonial law is *Bragg* v. *Bragg* (1925) P. 20. In this case the wife obtained an order under the Summary Jurisdiction (Married Women) Act, 1895, and later a decree *nisi* which was duly made absolute, without, however, any order being made as to maintenance. After the decree had been made absolute the husband took out a summons for the discharge of the existing maintenance order on the grounds that it had ceased to be operative, or, if not, ought to be discharged as soon as the parties had ceased to be husband and wife. The summons was brought under s. 7 of the Summary Jurisdiction (Married Women) Act, 1895, which provided that an order could, on the application of either party, be discharged "upon cause being shown upon fresh evidence to the satisfaction of the court." The summary court before which the application was made dismissed this summons and held (*a*) that the matter was a discretionary one and (*b*) that discretion should not be exercised to the detriment of the wife unless some good cause is shown. In his judgment, Sir Henry Duke, then President of the Probate Division, upheld this view of the law. Dealing with the arguments which have been advanced to the effect that a decree absolute automatically put an end to a previously existing matrimonial order, he said: "if the previous order had *ipso facto* been discharged, the magistrate, of course, had no jurisdiction to do anything. If it had not been discharged, then the discharge of it depended upon s. 7 of the Act of 1895 . . . If the order is discharged *ipso facto* there is no jurisdiction of the magistrate to entertain the summons; if the order is not so discharged, there is a discretionary jurisdiction." Sir Henry went on to enumerate the principles which have since guided courts in these matters. (1) That only a summary court can discharge orders made under the Acts in question; (2) that the granting of a divorce is "fresh evidence" upon which courts can act at their discretion; and (3) that it is often most convenient for all concerned that an order shall continue to function even after a decree absolute.

Bragg v. *Bragg* was distinguished in *Mezger* v. *Mezger* (1936) 100 J.P. 475. In this case the husband obtained a divorce against his wife, the suit being pursued in the German courts. He then applied for the discharge of a pre-existing order under the Summary Jurisdiction (Married Women) Act, 1895. The application was refused, but it is important to remark that in their judgment the magistrates gave as their reasons, first, that the marriage had been dissolved in Germany on grounds which would not be recognized in this country, and secondly, that the wife's financial position had remained unchanged and that she needed the money she was getting under the old order.

It was these reasons which came in for criticism by the President of the Probate Division—Sir Boyd, now Lord, Merriman: "The justices have nothing whatever to do with the question whether the grounds for divorce are recognized in this country or whether they approve of them or do not approve of them . . . it is no business of the justices, in my opinion, to inquire whether there is lacking the element of adultery, which is a necessary ingredient of divorce in this country. For that reason, their decision, in my opinion, is invalid." The judgment was similarly severe on the justices' interpretation of the maintenance issue: "In my opinion, it is not a judicial exercise of discretion to say that the woman required maintenance for her support and therefore the justices exercised discretion to continue it." The President went on to say that the decision in *Bragg* v. *Bragg* was perfectly proper and afforded a most convenient method of dealing with maintenance in appropriate cases, and at the conclusion of his judgment he made it clear that when deciding whether to continue a maintenance order after a divorce, justices must have regard to the full circumstances of the divorce decision and exercise their discretion in the light of them. *Mezger* v. *Mezger* is a case which puts one very much on guard when seeking a clear line of law in this matter, for the words with which the President concluded his judgment contain a good deal of food for thought: "the wife lost on every issue (in the German courts) . . . and then came back to this country and upon an application being made to discharge the maintenance order, which would clearly be inconsistent with the whole tenor of the German decree, the justices considered, perhaps having had *Bragg* v. *Bragg* cited to them, that they still had discretion to deal with this maintenance order. I think there was no possible ground for the exercise of their discretion in these circumstances." The parties were no longer husband and wife, and any such order would be really completely at variance with the decision of the German court!

Kirk v. *Kirk* (1947) 111 J.P. 435 was a case in which the justices again sought to follow *Bragg* v. *Bragg*, but were overruled on the grounds that the divorce leading to the application for the discharge of the order had been obtained in the Scottish courts and it was reasonable for the wife to seek maintenance in terms of the rights available to her in Scotland. *Wood* v. *Wood* (1949) W.N. 59 again produced a reversal of a justices' decision not to discharge an order after the bench had so acted because they felt the wife needed the money available under the order; on appeal it was held that this was not a judicial exercise of discretion.

Now we come to *Prest* v. *Prest*, *supra*. In this remarkable case, the facts of which were not in issue, the parties were married in 1935. After a separation, the wife obtained an order in 1946 of 20s. for herself and 10s. for each of her two children. In February, 1947, she obtained a decree absolute against her husband on the ground of his adultery. The original order was subsequently varied but at a still later date the wife and husband resumed full cohabitation. In March, 1948, the husband left his wife and married the woman named in the divorce suit.

The husband applied for the order to be discharged because of the resumption of cohabitation after the decree absolute, which he held was covered by the terms of s. 2 (2) of the Summary Jurisdiction (Separation and Maintenance) Act, 1925. At this

point we must draw attention to a letter written by the wife in November, 1947, to the clerk to the justices in connexion with the enforcement of arrears under the order. In this she said: "I wish to notify you that I would like to drop the case against him." It is also germane to an understanding of the case to note that when the husband left in March, 1948, a fresh agreement was drawn up between him and his wife. From this it appeared that both parties in their own minds regarded the original order as no longer in force.

The justices refused to discharge the order, as they held that a resumption of cohabitation within the meaning of s. 2 (2) of the Summary Jurisdiction (Separation and Maintenance) Act, 1925, must be a renewal of the *consortium* between legally married spouses—a state of affairs impossible as between divorced parties.

Lord Merriman upheld this opinion, saying: "I decline to hold the view that the order was automatically vacated when the wife and the husband began living together again with a view to being remarried." But he drew pointed attention to the principle laid down in *Bragg* v. *Bragg*, *supra*, that it is a matter of discretion whether or not to discharge an order after the marriage to which it relates has been dissolved, and then stated that the wife's letter to the clerk to the justices was a clear ground for the exercise of judicial discretion in favour of a discharge of the order. He concluded: "that being so, this appeal, in my opinion, should be allowed, but for the reason I have stated and not for the reasons on which the appeal was based."

Now we are up to date. It can be seen that *Bragg* v. *Bragg* still holds the field as defining the fundamental principle in these matters. But it is also apparent that the High Court does not favour any but a careful approach to the question of discharging an order. In the majority of the cases we have mentioned the High Court has exercised discretion in favour of a discharge, but it would be most ill advised to leap to conclusions of a general character. What has been repeatedly emphasized is that each case must be considered strictly, and without sentiment. When decrees of divorce are granted to parties in respect of whom a court order is in existence it is increasingly common for the Divorce Court to make no order as to alimony. The burden of the cases we have discussed is that this only serves to increase the responsibilities—and judicial opportunities—of the summary courts.

In *Prest* v. *Prest*, though no spouse can terminate a court order simply by writing to the court, the fact that the wife wrote in terms showing that she *thought* she was putting an end to her order was advanced as a just ground for the exercise of discretion in favour of discharging the order.

We may, perhaps, draw attention to an interesting consequence of the line of reasoning adopted in *Prest* v. *Prest*. Let us suppose an order to exist after a decree absolute and the husband to discover that his former wife is living with another man. Action for discharge on the ground of her adultery is not open to him, for their marriage no longer exists, but he can take out a summons for discharge on the grounds of "fresh evidence," and it would be a bold decision to refuse the exercise of discretion in favour of the applicant in such a case. "The best of two worlds" is not a motto which receives much countenance in the law—particularly the branch of matrimonial law we have been discussing.

DOMESTIC PROCEEDINGS AND AFFILIATION CASES

By L. H. SHARPE, *Solicitor, Deputy-Clerk to the Bromley, Kent, Justices*

The Married Women (Maintenance) Act, 1949, is a valuable addition to the statute-book, but, unfortunately, the Act does nothing to lessen the complexities of the statutes relating to matrimonial proceedings; rather, it adds to the confusion.

For example, the innocent husband who is rash enough to complain to the justices that his wife is an habitual drunkard or has committed adultery may be surprised and dismayed if they order him to pay her £2 a week, but he can comfort himself with the thought that £2 is the maximum, whereas if his wife had been persistently cruel to the children the court might possibly have taken the view that he could be ordered to pay her £5 a week. It will be in vain for the husband of the drunken or adulterous wife to protest that he wishes to pay only for the maintenance of any children whose custody may have been given to her, the court will have to explain that on this application (apart from the provisions of the Guardianship of Infants Acts) he can be ordered to maintain his wife but not his children, although he can have the right of access to them. On the other hand, if the husband has committed a matrimonial offence himself which has enabled his wife to obtain an order against him, and then his wife commits an act of adultery which has not been conduced to by the failure of her husband to pay when able, the court must discharge the order in her favour but can, in these circumstances, make a new order that she shall continue to have the custody of the children and that the husband shall pay her a weekly sum for the maintenance of each child. A trap for the unwary is that in this case, apparently, the maximum still remains at 10s., payments cannot be extended beyond the age of sixteen, and the husband cannot be granted rights of access.

Then again, the child of unmarried parents, or of parents who have separated without either having committed any matrimonial offence, must be maintained on a maximum of £1 a week, whereas the child of an offending father may live in the comparative luxury of £1 10s. a week, but that is not the only advantage of the child with a bad father. Such a child, if he is engaged in a course of education or training, can be ordered to be maintained by his father until the child reaches manhood, even though he is capable of self support, whereas the child of good parents can only be maintained under a justices' order after he becomes sixteen if he is incapable of supporting himself; as for the illegitimate child, payments cannot in any circumstances be ordered to be made after he reaches the age of sixteen.

The new Act is at pains to explain that existing maintenance orders may be varied so as to include a provision for the payment of the increased amounts allowed in new orders, but the Act does not expressly say that old orders can be varied so as to include provisions as to access to the children. If the courts decide that access provisions can be added to old orders they will further have to decide how strictly to construe the requirement of "fresh evidence" which seems to be a condition precedent to such a variation.

Then there is the anomalous position discussed at p. 3 *ante*, with regard to the wife who may desire the justices to revoke a

guardianship order with a view to the inclusion in a maintenance order of better financial provision for the children.

There are yet more anomalies with regard to the collecting officer's duties. If the putative father of an illegitimate child is seven days in arrears to the extent of only a fraction of a weekly amount, it is the duty of the collecting officer to write and tell the child's mother so, though, because of the labour and expense involved, this provision is in many courts, I believe, more honoured in the breach than the observance. In the case of maintenance orders, however, the collecting officer has to give written notice to the wife when the arrears amount to four times the weekly sum payable, but if the wife has only a guardianship order the law allows her to remain in ignorance however great the arrears may be. It is difficult to understand why the legislature has never deemed it expedient to require the collecting officer to send a warning notice to the defendant who falls into arrears with his payments: whilst many men deliberately avoid paying whenever they can, there are also many men who are merely unmethodical in their payments and who may not realize the extent of their indebtedness until a policeman suddenly appears with a warrant or a summons.

During the passage through the House of Commons of the Justices of the Peace Act it was apparent that some Honourable Members believed that a justices' clerk need have a knowledge of little more than criminal law, evidence and procedure, overlooking the difficulties of matrimonial law, not to mention licensing, but perhaps it is not too much to hope that some day the legislature will find time to amend and consolidate matrimonial law as it affects justices. In the meantime it will continue to be for the good sense of the justices to make the best use they can of existing legislation in these unhappy cases.

LOCAL GOVERNMENT MANPOWER COMMITTEE

FIRST REPORT

The Local Government Manpower Committee was appointed by the Chancellor of the Exchequer in January, 1949, with the following terms of reference :—

"To review and co-ordinate the existing arrangements for ensuring economy in the use of manpower by local authorities and by those Government departments which are concerned with local government matters; and to examine in particular the distribution of functions between central and local government and the possibility of relaxing departmental supervision of local authorities activities and delegating more responsibility to local authorities."

The committee is composed of representatives of the Government Departments principally concerned with local government affairs, together with representatives of the local authorities' associations and of the London County Council. The Financial Secretary to the Treasury explained to the House of Commons, when the committee was established, that it would make recommendations to the Government for action to be taken, but it was not intended that it should draw up a formal report for publication. In fact, however, the committee has now submitted a very useful first report.

Local authorities generally have at various times expressed concern at the great increase of administrative staffs which has been made necessary by recent legislation. They have felt further that the extent to which Government departments concern themselves with the details of local government add materially and unnecessarily to the administrative work of both central and local government and that only by a substantial diminution of departmental control can really effective reduction be made in the size of local authority staffs.

In 1948, the associations of local authorities jointly submitted a memorandum to the Ministry of Health suggesting a number of ways in which controls might be lessened, and they were later asked by the Ministry for further information about the aspects of control which in practice proved most burdensome, and to enter into detailed discussions with the departments about administrative procedure. After further discussion it was felt by the Government that the setting up of the Manpower Committee would be the best method of grappling with the subject. Mr. P. D. Proctor, C.B., of the Treasury was appointed chairman, and Sir Arthur Hobhouse of the County Councils Association, vice-chairman.

The committee set out as their main objective the simplification of methods of departmental supervision over local government activities, a reduction of the need for and the extent of such supervision, and the acceptance of the principle that, wherever possible, a greater measure of responsibility rests on local authorities. It was recognized that local authorities are responsible bodies, competent to discharge their functions and that, though they may be the statutory bodies through which Government policy is given effect and operate to a large extent with Government money, they exercise their responsibility in their own right, not ordinarily as agents of Government departments. This is a view which has been held for a long time by local authorities, and it is good to know that it is now definitely recognized by the Government. It follows that the objective should be to leave as much as possible of the detailed management of a scheme or service to the local authority and to concentrate the department's control at the point where it can most effectively discharge its responsibilities for Government policy and financial administration.

But it is clearly to the good of all concerned that informal contacts should be maintained at all times between the administrative and technical officers of the central and local authorities in order that experience may be pooled and mutual understanding ensured. There is clearly a broad distinction in principle between departmental responsibility for policy and departmental supervision over the technical aspects of any particular scheme. The department has an undoubted responsibility to ensure that Government policy is carried out. If, however, the policy and technical requirements of the Government are clearly indicated in advance by the issue of circulars or manuals, and if the local authority certifies that these requirements are fulfilled in the particular project under consideration, it is agreed by the Manpower Committee that there should be considerable scope for reducing or eliminating departmental supervision on the technical side and avoiding the irritation and waste of manpower involved in super-imposing a detailed examination by the professional staff of the department on the work already done by the professional staff of the local authority. It has apparently been at last recognised that local authorities generally have staffs who are just as competent in their particular jobs as their opposite numbers in Government departments, although the wider knowledge of the civil servants may often be of advantage

to the local authority officer in considering any particular scheme or problem.

The committee decided to concentrate in the first place on the second half of their terms of reference and to examine in detail the various forms of departmental supervision over local authorities. In order that a detailed examination might be carried out the committee appointed five sub-committees to examine the local government services supervised by the department concerned. These sub-committees were composed, in each case, under the chairmanship of the department's representative on the main committee, of a number of Government officials and about an equal number of local authority officers selected by the associations for their experience in the service concerned. The report of the committee is therefore all the more valuable because over ninety local authority officers and about 160 departmental officers have taken a direct part in the discussions of the various sub-committees. The sub-committees were appointed in March, 1949, and submitted reports for consideration by the main committee in July. This indicates much more speed than is usually evinced by a departmental committee. It is satisfactory to learn that the reports of the sub-committee bore witness both to much hard work by all concerned and to an impressive spirit of co-operation which was reflected in the wide extent of the agreement which had been reached. The results of the committee's deliberations of these reports are summarized in appendices which set out the revised arrangements for central and local government procedure.

Having concentrated on their first task, the committee have now turned their attention to the first part of their terms of reference, so as to consider the methods of procedure and organization for handling the various services at the local authority end. The local authority associations have set up a sub-committee to investigate, within the framework of the existing law, the procedure for delegation of powers from county councils to district councils and other bodies. They are also inquiring into the machinery of claims by local authorities against one another for services rendered or mutual benefits provided, and are proposing to stimulate the extension to the local government field of "Organization and Methods" techniques which have been practised in the Civil Service for many years.

Each section of the Report should be considered carefully by those concerned with the administration of the particular local authority service, but there are some points which are also of general interest as they concern more than one Government department or different local authority services. One matter which is of interest to all local authorities is the extent to which it is the Government practice to require the approval of district valuers in all cases of acquisition or sale of land and properties by local authorities, whether or not the authority has its own valuation staff. The departmental representatives on the committee, while recognizing that this is a matter on which many local authorities feel strongly, pointed out that it touches on a major issue of Government policy and suggested that it was not a matter on which the committee could appropriately express any view, still less take any decision. They agreed, however, to hear the views of the local government representative. We are sure that local authorities generally will hope that some modification of the existing procedure can then be accepted.

We now propose to refer briefly to some of the main recommendations which are of particular interest to local authorities in their desire to reduce administrative staff or, at least, to resist further increases. The Home Office has agreed to issue manuals of guidance on provisions for the care of children, *i.e.*, on standards of accommodation and on the organization of reception centres and residential nurseries. A short manual of guidance on procedure in regard to water and sewage schemes will be issued by the Ministry of Health. The use of manuals for guidance by the Ministry of Education is also to be extended.

With regard to building procedure it has been agreed that in relation to building works for which the approval of the Home Office is required, each local authority shall submit an annual programme of works showing the expenditure which it proposes to incur on—(*a*) works of repair and maintenance, (*b*) works of adaptation, and (*c*) new buildings, including police and fire service houses. Subject to the approval of the annual programme, local authorities will be free to carry out, without further reference to the Home Office, works of maintenance and repair and other works in connexion with police buildings costing not more than £5,000. With regard to children's homes buildings, it is proposed that, subject to approval of the annual programme, local authorities shall be free to carry out, without further reference to the Home Office, works of maintenance on children's homes and adaptations of existing children's homes, costing not more than £2,000, which do not involve an increase in the number of places for children or a change of purpose. Similarly, with regard to buildings under the health services, the present detailed examination by the Ministry of Health of all capital projects will be dispensed with, except that, for the time being at any rate, plans for building health centres will continue to be submitted and examined in detail. Local authorities will submit an annual programme of capital works and an undertaking will be required in the programme for the coming financial year that schemes will comply with the essential requirements laid down by the Ministry, such as are contained in their manuals of guidance.

The same principle is accepted by the Ministry of Town and Country Planning which has agreed that in scrutinizing development plans the department will not duplicate the work of the technical staffs of local authorities, but will confine their attention, subject to the obligation to inquire into representations received from members of the public, to the main feature of the development plans prepared by planning authorities. The procedure in connexion with housing is also to be simplified by the approval of the Ministry of Health of individual building sites selected by local authorities, being dispensed with. Sketch lay out plans will be submitted to the Ministry, who will be assumed to have no comments on them unless they are made within fourteen days of receipt. We think local authorities will appreciate this procedure very much in view of the lengthy time which has often taken place in such matters in the past. Prior submission of house plans will also be dispensed with and only a tender need be submitted, if a local authority satisfies the department that the plans were prepared by, and will be carried out under the advice of, a qualified architect and that the standards conform to the relevant manuals or circulars.

Another type of control by Government departments which local authorities find irksome is over various aspects of revenue expenditure. This applies, for instance, to expenditure in connexion with the children's services in which the Home Office has a financial interest because fifty *per cent.* is recoverable from the National Exchequer. In the past there has been wasteful correspondence between the local authority and the Home Office with regard to particular items of expenditure, such as, for example, in the relation to the payment of boarding-out allowances. The Home Office has, however, now replaced the existing control of expenditure on an individual child boarded-out by a more general financial control relating to the total number of children boarded-out. The department is considering the simplification of the procedure for the disposal of parental contributions collected by local authorities and will also con-

sider the general procedure for the control of expenditure on children's homes, approved schools and remand homes. Local authorities feel that they should be considered to be sufficiently responsible bodies to maintain these establishments without interference from the central department, and this view was expressed very strongly on their behalf in parliamentary debates on the Children's Bill. The Ministry of Education is perhaps even a greater offender in this respect than the Home Office which may not perhaps be surprising in view of the vast scope of the education services. That Ministry also has agreed to modify present practice and in a number of instances requirements that individual items should be submitted for approval will be withdrawn entirely, or replaced by the submission of general arrangements or annual programmes.

The same principle applies in connexion with the procedure for claiming grants from different Government departments in aid of various local authorities services. The Manpower Committee recognizes the importance of allowing local authorities as far as possible to run their own affairs, and has asked departments to exercise restraint in asking for detailed information in support of claims for grants additional to that contained in the form submitted for the purpose. The committee also agreed that there shall be full consultation between departments and local authority representatives on any points of substance which arise in the drafting of grant regulations, claim forms, etc. It will be helpful to local authorities to know that the departmental representatives on the committee have, in addition, undertaken to make arrangements which will assist in maintaining uniformity of practice in these matters between departments and facilitate the exchange of experience.

The publication of a further Report of the committee will be awaited with interest, particularly as the committee intend to obtain estimates of the manpower saving made possible, both in local authority administration and in Government departments by the revised administrative arrangements which they have recommended.

WEEKLY NOTES OF CASES

COURT OF APPEAL

(Before Sir Raymond Evershed, M.R., Somervell, L.J., and Hodson, J.)

BORDER RURAL DISTRICT COUNCIL *v.* ROBERTS

January 25, 26, 27, 1950

Water Supply—Water rates—Lower costs in certain parishes—Charging of different rates.

APPEAL by Border Rural District Council from Carlisle County Court.

The appellant council claimed water rates in respect of premises in the ratepayer's occupation and situate in the parish of Brampton on the basis of a rate of two shillings in the £. In 1898 the predecessor of the appellant council secured for the parish of Brampton and sixteen other parishes the supply of a maximum of 220,000 gallons of water per day from Carlisle Corporation. In 1908 the cost of leading that water to the parish of Brampton and three other parishes was charged on the four parishes concerned as "special expenses" pursuant to s. 229 of the Public Health Act, 1875. At all times material to the present proceedings the council had, in respect of the supply of water to Brampton, only to pay the costs of maintaining the pipes and apparatus. The other parishes were being charged by the council at a rate of 2s. 6d. in the £. It was contended by the ratepayer: (i) that, although *prima facie* there was no duty to levy different rates, in the circumstances there was an equity preventing the council from charging more than the cost of maintaining the pipes and apparatus, namely, 7½*d.* in the £; and (ii) that the charge for the supply of water in the present case, within the meaning of s. 126 (1) of the Public Health Act, 1936, consisted only in the maintaining of the pipes and apparatus.

Held, in the circumstances, particularly having regard to s. 40 of the Water Act, 1945, which gave the Minister of Health power to revise water rates and charges, there was no equity compelling the council to charge only the actual cost of supplying the water to the parish of Brampton, nor could it be said that there was no supply of water by the council in accordance with its statutory duty merely because it now cost them nothing beyond the cost of maintaining the pipes to perform that duty.

Counsel: *Blain* for the council; *C. E. Scholefield* for the ratepayer.

Solicitors: *Kinch & Richardson*, for *T. L. Sibson*, clerk to the Border Rural D.C.; *Moodie, Randall & Carr* for *R. Milburn & Son*, Brampton, for the ratepayer.

(Reported by F. Guttman, Esq., Barrister-at-Law.)

KING'S BENCH DIVISION

(Before Lord Goddard, C.J., Byrne and Morris, JJ.)

BUTSER TURF & TIMBER CO., LTD. *v.* PETERSFIELD RATING AUTHORITY AND OTHERS

January 24, 1950

Rating—"Agricultural land"—"Nursery grounds"—Turf cutting—Pasture field—Turf treated so as to be of good quality—Rating and Valuation (Apportionment) Act, 1928 (18 and 19 Geo. 5, c. 44), s. 2 (2).

CASE STATED by Hampshire Quarter Sessions.

The ratepayers were the occupiers of a pasture field the turf of which they rolled and fertilised with artificial fertilisers, the weeds being removed. Subsequently the turf was cut, and sold by the ratepayers for the purpose of golf links, lawns, and so on. Quarter sessions held that the land in question was not "nursery grounds" within the meaning of s. 2 (2) of the Rating and Valuation (Apportionment) Act, 1928, so as to be exempt from rating. The ratepayers appealed.

Held, that the decision of quarter sessions on this point was right, but that the case must be remitted to them to be re-stated on other points.

Counsel: *Harold B. Williams, K.C.*, and *Squibb*, for the ratepayers; *Rowe, K.C.*, and *Ramsay Willis*, for the rating authority and assessment committee; *J. T. Molony* and *A. Kerr* for other respondents.

Solicitors: *Gibson & Weldon*, for *Burley & Geach*, Petersfield; *Shield & Son*, for *Mackarness & Lunt*, Petersfield; *Brash Wheeler, Chambers, Davies & Co.*, for *Glanvilles*, Portsmouth.

(Reported by T. R. Fitzwalter Butler, Esq., Barrister-at-Law.)

PERSONALIA

APPOINTMENTS

Mr. D. B. Martin-Jones, B.A., LL.B., deputy town clerk of Winchester, has been appointed town clerk of Durham in succession to Mr. G. R. Bull.

Mr. E. Birch, senior assistant solicitor of Bradford, has been appointed assistant solicitor to the county council of the West Riding of Yorkshire. He takes the place of Mr. G. W. W. Hepworth, who has now gone into private practice.

Mr. E. Thomas, assistant solicitor to the Exeter city council, has been appointed senior assistant solicitor to the Reading county borough council. Mr. Thomas, who is thirty years of age, was articled to the town clerk of Aldershot and was subsequently appointed assistant solicitor to the Aldershot borough council. During the war he served in the army, being demobilized with the rank of major. He is honorary treasurer of the Local Government Legal Society.

Mr. Frank Worthy of the town clerk's department, Hartlepool, has been appointed legal and general assistant to the borough of Bury St. Edmunds.

OBITUARY

Mr. Charles Paley Scott, K.C., died in London recently at the age of sixty-eight. Born in 1881, he was educated at St. Peter's School, York, and King's College, Cambridge. He was called to the Bar by the Inner Temple in 1906 and began practice on the north-eastern circuit. In 1923 he was appointed recorder of Doncaster, which post he held until 1933 when he became recorder of Kingston-upon-Hull. He had previously taken silk and became a Bencher of the Inner Temple in 1930. In 1936 he became chancellor of the county palatine of Durham, and in 1943 he was appointed recorder of Leeds. In 1946 he became chancellor of the diocese of Bradford.

REVIEWS

The British Year Book of International Law, 1948. Issued under the auspices of the Royal Institute of International Affairs. London: Geoffrey Cumberlege, Oxford University Press. Price 45s.

This compilation of learned articles by distinguished writers appears again under the editorship of Professor H. Lauterpacht. The wide field covered can best be indicated by the list of articles, which is as follows: The Binding Force of a Recommendation of the General Assembly of the United Nations, by F. Blaine Sloan; Legal Aspects of State Trading, by J. E. C. Fawcett; International Law in Early English Practice, by Dr. G. Schwarzenberger; The Development of International Law through the Legal Opinions of the United Nations Secretariat, by Oscar Schachter; Some Observations on the Compulsory Jurisdiction of the International Court of Justice, by Dr. E. Hambro; British Nationality Act, 1948, by Dr. J. Mervyn Jones; Conclusiveness of the Statements of the Executive Continental and Latin-American Practice, by A. B. Lyons; The "Open Offer" Formula and the Renvoi in Private International Law, by Walter Raeburn; Extra Territorial Asylum, by Miss Felice Morgenstern; Termination of Diplomatic Immunity, by Dr. R. G. Jones; The Anglo-American Consular Convention of 1949, by R. S. B. Best; The Killing of Hostages as a War Crime, by Lord Wright; Disputed Sovereignty in the Falkland Islands Dependencies, by Professor C. H. M. Waldock; The Universal Declaration of Human Rights, by Professor H. Lauterpacht.

The two articles which are of most practical interest to many of our readers are those on the British Nationality Act and on Termination of Diplomatic Immunity. The new British Nationality Act has proved somewhat difficult to interpret, and differences of opinion have been revealed. Dr. Mervyn Jones' article will therefore prove welcome. He does not omit the point, which magistrates sometimes have to consider, as to the position under the statute of persons who are citizens of Eire. The article on diplomatic immunity deals with a subject with which magistrates do not often come into contact; but if they do, it is likely to prove difficult. Dr. Jones deals with the matter under the three headings: (1) Heads of missions and principal subordinates, (2) subordinate members of the Diplomatic Mission and (3) the question of immunity on termination of office as a result of death. Some of our readers will recall the case of Kent, which aroused considerable interest during the late war, and which dealt with the question of termination of employment by the United States Government.

In addition to the full-length articles, this volume contains a number of shorter notes and book reviews.

Introduction to Public Health Law. By John J. Clarke. London: Cleaver-Hume Press, Ltd. Price 12s. 6d.

This work is stated by the publishers to be intended in the first place for officials concerned with the enforcement of public health law, and secondly for the benefit of students preparing for professional examinations whose needs (so the publishers claim) "are exactly met." The learned author's object has been to present a sort of *catalogue raisonné* of the provisions of the Public Health Acts and closely allied legislation, under suitable headings, not overloading it with detailed information or with a technical presentment of the subject. By these means it had been hoped that, even within so small a compass (the book comprises only 130 pages), those possessing it would find a quick and reliable guide to the law, with references that they could follow up to the particular groups of enactments which concerned them. The idea was certainly worth trying, but we doubt whether it has worked out so successfully. Opening the book, for instance, at the chapter headed "Nuisances and Offensive Trades" we find it said that nuisances may be either (1) statutory (or public) or (2) private: this dichotomy, so stated, is obviously misleading. Worse: on the next page under the heading of "Statutory Nuisances" we find not merely those which have been so denominated by Parliament, but other matters such as breach of building byelaws (which is not a statutory nuisance) and such things as are dealt with by the Housing Act, 1936, and the Coal Mines Act, 1911. Confusion could hardly go further than in this and the next following paragraphs, which are made to read as if abatement notices and nuisance orders were remedies for all these things alike. The fault, presumably, arises from an attempt to compress too much in popular language into a small space: the same sort of criticism may be made about the chapter headed "Provisions and Byelaws with respect to Buildings." We can imagine that the work may have its place as an index for quick reference, on the shelves of experienced officials, but we have much doubt whether students, or beginners in the administration of public health law, should be encouraged to use it.

The Transport Act, 1947, as it affects Road Transport. First Supplement. By G. W. Quick Smith. Leigh-on-Sea: The Thames Bank Publishing Company, Ltd. Price 6s.

We reviewed the main work at 113 J.P.N. 132. This was in February, 1949, and Mr. Quick Smith's present supplement carries the law up to October 1, 1949. At or about the time when the main work appeared, Mr. Quick Smith became secretary and legal adviser to the Road Transport Executive and, although that body has no responsibility for the book or the learned author's opinions, the fact that he holds that position must mean that he will be acquainted with the latest developments of the law. The noter-up comprises some twenty pages and covers certain new regulations, decisions of the High Court, and a good deal of practical information. There is an appendix setting out the schemes of delegation to the Road Haulage Executive and the Road Passenger Executive, and the statutory instruments made since the main work appeared. Users of the main work, who must comprise a good many of our own readers, will wish to have this supplement and to note it up.

Blundell's Rent Restrictions Cases. Supplement No. 1 to Second Edition. By Lionel A. Blundell and V. G. Wellings. London: Sweet & Maxwell, Ltd. The Estates Gazette, Ltd. Price 6s. net.

Mr. Blundell's collection of rent restrictions cases established itself on its first appearance, as one of the most useful books for the lawyer engaged in this work. It has now run into a second edition, and this first supplement brings the second edition up to date as at October 1, 1949. At the beginning comes a page and a half of names of cases followed, overruled, etc., in cases appearing in this supplement and this, even without anything else, would make it worth possessing. The remainder of the book follows the same lines as the main work, the cases being first of all introduced under headings referring to sections of the Acts, and then set out in alphabetical order with a brief note of their effect. With the main work and this supplement to be used with whichever of the textbooks on these Acts he prefers, the practitioner can be confident that he will not have overlooked anything in the sphere of case law.

LAW AND PENALTIES IN MAGISTERIAL AND OTHER COURTS

No. 13.

MUSIC LICENCE—BREACH OF CONDITION

On August 2, 1949, the licensee of a public house at Hull appeared before the learned stipendiary magistrate charged under s. 51 of the Public Health Acts Amendment Act, 1890, for that he was the holder of a music licence in respect of the public house where a breach of the conditions upon which such licence was granted was committed, *viz.*, that between stated dates singing by customers took place in the said premises.

The prosecution, which was in the hands of the local town clerk's department, proved that singing by customers had taken place on the premises and that complaints from neighbours had been received, whereupon the police had warned the licensee and had reminded him of the conditions of his licence which provided, *inter alia*, that he used only a radiogram and did not allow his customers to sing.

Despite the warning, the licensee permitted singing to persist.

The learned stipendiary magistrate dismissed the case on the ground that singing by customers in a public house was not public entertainment within the meaning of the Act. The learned magistrate was asked to state a Case which came before the Divisional Court in January, 1950.

For the police as appellants, it was pointed out that the licensee was not charged with public entertainment but with a breach of the terms of his licence and for the licensee it was submitted that no offence had been committed as there was no evidence that the singing was organized.

Lord Goddard, C.J., in giving judgment, said that it was a condition of the licence that singing by customers must not be allowed. If the licensee had thought he could not carry out the conditions of the licence he need not have taken it. It was not for the court to say whether the conditions were reasonable or not. The appeal by the police was allowed and the case was remitted to the learned stipendiary magistrate with a direction to convict.

COMMENT

It is a little difficult to understand upon the facts set out above, why there was a failure to convict by the learned stipendiary magistrate and indeed Lord Goddard, during the hearing in the Divisional Court, commented that the magistrate had said during the hearing before him "Let the people sing"!

With those sentiments none will disagree, and many will think that a lack of knowledge of human nature was shown by those who imposed such a condition in the first instance. But the condition having been imposed and a licence upon that condition having been accepted by the licensee he was clearly in breach whenever his customers, moved by the noises emitted by the radiogram, burst into song.

Subsection 9 of s. 51 of the Act provides that failure to comply with any of the conditions upon which a music licence is granted shall be punishable with a fine of £20 and revocation of the licence.

There are many who will think that this sixty year old provision could well be revised to exclude the necessity of obtaining music licences. Whatever good reasons there may have been in 1890 to control the discretion of the licensee as to the music he provides for the enjoyment of his customers it is, it is submitted, odd to think it necessary now.

Dancing clearly falls in a different category, particularly today, when forms of it as practised by the youth of the country are almost indistinguishable from all-in wrestling!

(The writer is indebted to Mr. T. A. Doubleday, clerk to the Hull City Justices, for information in regard to this case.)

R.L.H.

No. 14.

A REFUSAL TO LICENCE PREMISES FOR THE SALE OF ICE CREAM

In September last a married woman appealed to the Ashby-De-La-Zouch Magistrates under s. 87, Food and Drugs Act, 1938, against the decision of the local rural district council to refuse to grant to her a licence permitting certain licensed premises to be used for the manufacture, storage and sale of ice cream.

At the hearing, at which both parties were represented by solicitors, the solicitor for the complainant stated at the outset that he was satisfied that the premises in question were not an "Inn" within the meaning of subs. 7 of s. 14.

An architect called to put in a plan of the premises, upon which was marked the place where it was proposed that the refrigerator should stand, agreed that the selected site was at the end of a passage and that there were six doors leading into the passage. He stated that the premises compared favourably with other premises as to cleanliness and layout.

The appellant, the daughter of the licensee, was called and stated that she assisted her parents in the house in which bedrooms were not let to guests. She had arranged that an ice cream company should supply her with a refrigerator and packed ice cream and decided to apply for an ice cream licence in April. She proposed to serve the ice cream from the back door to which children were accustomed to come to buy biscuits and sweets.

A representative of the ice cream company gave evidence for the complainant, and stated that 125 shops were served by his company; the premises in question were very clean and suitable for the sale of ice cream. A doctor also gave evidence as to the cleanliness of the premises and of the complainant and in cross-examination he stated that the sanitary conveniences were twenty yards away.

For the council the sanitary inspector was called who stated that his objection was that the refrigerator was in close proximity to the scullery where dirty work was carried out, and also to the beer cellar and larder. The passage was the busiest part of the house and he did not consider that the ice cream cabinet should stand in a passage. He stressed that cleanliness of premises used for ice cream was of the highest importance.

Referred by the learned clerk to s. 13 of the Act, the witness agreed that the premises conformed to all the requirements of that section, except possibly para. (*b*).

The Medical Officer of Health for the district was then called. He stated that dust would be stirred up owing to the number of doors leading on to the passage and the number of persons passing through it.

Cross-examined he stated that it was his first inspection of premises to be licensed for ice cream.

The justices adjourned to inspect the premises and upon their return allowed the appeal with costs amounting to twelve guineas.

COMMENT

The writer has narrated the evidence at some length as this type of appeal does not come within the ambit of the general practitioner's experience and it may be helpful to know the type of evidence which should be adduced in such cases.

The premises in question, known as Gate Inn, caused Mr. C. E. Crane, the clerk to the justices (to whom the writer is greatly indebted for this report) some anxiety, for by subs. 7 of s. 14 of the Act it is expressly provided that the section is not to apply to any premises used primarily as a club, hotel, inn or restaurant. It is, of course, typically English that there was no hesitation on the part of the complainant's solicitor in conceding that the Gate Inn was not an inn within the meaning of the section!

All practitioners in licensing feel more certain as to the law relating to inns and innkeepers, since the judgment delivered by Lord Goddard, C.J., in the recent case of *R. v. Higgins* (1948) 112 J.P. 27.

Section 14 (1) of the Act prohibits the use of premises for (*inter alia*) the sale, manufacture or storage of ice cream unless they are registered by the local authority for such purpose.

Section 79 provides for a penalty of £20 for a first offence and three months' imprisonment and a fine of £100 for a subsequent offence.

Section 14 (5) gives an aggrieved applicant the right to appeal to a court of summary jurisdiction against a refusal to register.

Section 87 (2) of the Act declares that appeals must be brought within twenty-one days of notice of the local authority's refusal and s. 88 gives the right of a further appeal to quarter sessions.

Section 13 of the Act, to which Mr. Crane drew attention at the hearing, sets out in meticulous detail the standard of cleanliness required of rooms in which food intended for sale is prepared or stored.

R.L.H.

PENALTIES

Market Drayton—January, 1950—(1) fraudulent conversion of £4 6*s.* 9*d.*, (2) fraudulent conversion of £19 19*s.*—absolute discharge. To pay 30*s.* costs. Defendant, a fifty-one year old rector, misapplied moneys of a local club of which he had been treasurer. Defendant's stipend a little more than £400 a year. Chairman stated court felt that neither a fine nor imprisonment would be appropriate. Defendant had lost his appointment.

Oxford—January, 1950—embezzling money received from customers in respect of milk bills (four charges)—two months' imprisonment, each charge to run consecutively. Defendant, a thirty-three year old milk roundsman with an eight year old daughter, misappropriated a total of approximately £90, and having got into debt commenced to gamble with his employers' money.

PRACTICAL POINTS

All questions for consideration should be addressed to "The Publishers of the Justice of the Peace and Local Government Review, Little London, Chichester, Sussex." The questions of yearly and half-yearly subscribers only are answerable in the Journal. The name and address of the subscriber must accompany each communication. All communications must be typewritten or written on one side of the paper only, and should be in duplicate.

1.—Bastardy—*Venue—Residence.*

I shall be glad to have your opinion on the point arising out of the following facts:—

On November 21, 1948, A.M.G., a single woman, gave birth to a bastard child at her parents' home in the county of Pembroke. For two and a half years, prior to the birth of the child, she was in service at an address in Carmarthenshire. She remained away from her employment for two or three months following the birth of the child and then returned to her work at the same address in Carmarthenshire. Meanwhile, her parents had come to live in Cardiganshire, and the baby lives with its grandparents at the Cardiganshire address, the mother, A.M.G., returning at week-ends and for holidays only. During the week the mother works and sleeps at her place of employment in Carmarthenshire.

On November 15, 1949, A.M.G., made a complaint in a petty sessional division in Cardiganshire against I.G. The question has now arisen, whether the Cardiganshire court has jurisdiction to hear this matter. The respondent arguing that complainant's residence must be the place where she is employed, and that she should have commenced her proceedings in the Carmarthenshire court. The complainant arguing that her home, where her parents live and where her baby lives, is her real place of residence.

There does not seem to be much authority on this particular point. I tend to think that the respondent is correct when he says that the complainant resides in Carmarthenshire. The matter is of considerable importance to A.M.G., as if the Cardiganshire court has in fact no jurisdiction, it is now too late for her to commence proceedings in the Carmarthenshire court. SAMG.

Answer.

A person may have more than one residence, 26 *Halsbury* 618, note (s) and cases there cited. In this case, it seems to us the mother of the child resides in Carmarthenshire during the working part of the week and in Cardiganshire at week-ends and holidays. We think the justices in Cardiganshire have jurisdiction and that the mother should be allowed to have the summons heard there.

We have assumed that A.M.G. sleeps at her parents house at week-ends and holidays.

2.—Children and Young Persons—*Maintenance—Order under s. 23 Children Act, 1948—Imprisonment for arrears—Writing off arrears.*

It has been the practice in cases in which I have taken enforcement action for the recovery of arrears of parental contributions under s. 23 of the Children Act, 1948, for arrears due up to the date of application for a summons to be cancelled on the execution of a committal order. I should be glad to know whether any statutory authority for this procedure exists. S.C.A.

Answer.

By s. 23 *supra*, it is provided, *inter alia*, that s. 87 of the Children and Young Persons Act, 1933 shall apply to such orders. Subsection (4) of s. 87 makes these contribution orders enforceable in the same manner as affiliation orders. Imprisonment for arrears under such an order discharges those arrears; this follows from s. 54 of the Summary Jurisdiction Act, 1879, which applies the Summary Jurisdiction Acts to the enforcement of bastardy arrears by imprisonment as in the case of a conviction. Imprisonment for a fine on conviction wipes out the liability to pay, and so does imprisonment for bastardy arrears. It is correct therefore to write off the arrears once the defendant has suffered the imprisonment.

3.—Highway—*Parking places—Use of part of a street for cycle stand.*

Section 68 of the Public Health Act, 1925, as extended by s. 16 of the Restriction of Ribbon Development Act, 1935, enables a local authority, by order, to authorize use as a parking place for vehicles of any part of a street within their district, not being a street within the London Traffic Area. "Vehicle" is not defined but "parking place" is defined to subs. (9) and refers to vehicles of any particular class or description. Reference has been made to the cases cited to s. 85 of the Local Government Act, 1888, in *Pratt & Mackenzie*, on the question whether or not a bicycle is a vehicle or carriage within the meaning of that section. Would you please advise:

(*a*) whether a bicycle is a vehicle within the meaning of s. 68 of the Public Health Act, 1925, and if so,

(*b*) whether a local authority may authorize use of a part of a street as a parking place for cycles, and adapt such part by erection of cycle racks or stands which would obstruct free use of the highway. ASNEVA.

Answer.

We see no reason to suppose that cycles are not vehicles within this section; they convey, and they can cause congestion, the mischief at which the opening words show the section to be aimed. It follows that parking places for cycles can be provided, but cycle racks or stands cannot be placed in the parking place if it is part of a highway: see the concluding words of proviso (i) to para. (*c*) of s. 68 (1).

4.—Highway—*New footpath not beside a road—Compulsory purchase of land.*

During the past ten years the residents of G Road (which is a cul-de-sac and part of an estate built by private enterprise in 1938) have been in the habit of using a short cut between the end of the cul-de-sac and a public footpath which leads to V Road and the bus stop in that road. Recently the owner of the land at the end of the cul-de-sac has fenced off G Road from his land and so forced the residents to keep to the existing highways to reach V Road. That involves walking an extra distance to the bus stop, and is a matter of some inconvenience to the residents. G Road was constructed as a cul-de-sac and will not be extended. The residents have asked the corporation to purchase sufficient land to construct a footpath from the end of the cul-de-sac to link up with the public footpath referred to above. The owner of the land is not willing to sell, so that compulsory powers, if available, would have to be resorted to. The town clerk feels that the Development and Road Improvements Funds Act, 1909, s. 11 (5), is inapplicable, as the definition of "roads" in s. 8 (5) includes a footway but not a footpath. The word "footway" has been construed as meaning "one of those paved ways running by adjacent buildings and not a path over private ground" (*Dictionary of Words and Phrases*, vol. II, p. 314). The footpath which the residents desire would cross undeveloped land to link up with the existing public footpath which runs along one side of a field. Your opinion is therefore requested as to whether the opinion of the town clerk is correct, and if so, whether there is any other Act under which the corporation could compulsorily acquire the necessary land. ANEL.

Answer.

The words cited were used in *Scales v. Pickering* (1829) 4 Bing. 448, by Burrough, J., "looking at the general purview of the Act, and the context." On the previous page, Best, C.J., said: "Construing the word from the company in which it is found, 'the soil and pavement of,' 'streets,' 'lanes,' 'passages,' the legislature appears to have meant those paved footways in large towns which are too narrow to admit carriages and horses." The Act before the court was a water company's special Act, and when Burrough, J., said, as above quoted, "not a path over private grounds," he was thinking of the normal positions for laying town water pipes. We do not believe that the same word, used by Parliament eighty years later in a different context, would be construed by the High Court by reference to that case. The word "way" is the widest of its group, and we should construe "footway" as covering any way to be used by foot passengers alone. It will be seen that in s. 8 (5) of the Act of 1909 it is an afterthought, added by the Roads Act, 1920.

5.—Husband and Wife—*Separation order with maintenance for children—Subsequent divorce in which custody given to wife—Wife re-marries and order revoked—Application under Guardianship of Infants Acts.*

A, the wife of B, obtained a separation order against B in 1943 and she was given the custody of the children of the marriage and B was ordered to pay A maintenance for herself and the children. In May of last year A obtained a divorce against B on the grounds of cruelty and was given the custody of the children by the Divorce Court. No order as to maintenance of A or the children was made by the Divorce Court and B continued to pay the amount ordered to be paid under the magistrates order. In September of last year A remarried and in November B applied for the magistrates order to be revoked on the ground that A was maintained by her husband and that he (B) was not therefore liable to maintain her. The justices revoked the order on B's application, A agreeing to the revocation as she wished to apply for maintenance for the children under the Guardianship of Infants Acts. At the time the order was revoked

the clerk to the justices was not aware that A had been given the custody of the children by the Divorce Court.

A does not now reside in the petty sessional division where the separation order was made and after the order had been revoked she went to the clerk to the justices for the division where she now resides to apply for a summons under the Guardianship of Infants Acts for maintenance in respect of the children, but the clerk refused to issue a summons as A had been given the custody by the Divorce Court.

(a) Is there anything to prevent A from applying under the Guardianship of Infants Acts for maintenance for the children ?

(b) If so, could A apply to the magistrates' court for the order made in 1943 to be revived as far as the maintenance of the children is concerned ? We assume that A would have to produce fresh evidence before this could be done. SGIA.

Answer.

As the wife chose to obtain an order of custody from the Divorce Court, and agreed to have the justices' order revoked, we think it extremely doubtful whether she can now apply to the justices. The High Court having dealt with the matter of the children, we think any fresh application should be made to that court. Such an application can, of course, be made under the Guardianship of Infants Acts, 1886 and 1925. We should advise against an application for revival of the justices order, because we consider that, where there is doubt as to the propriety of assuming jurisdiction, justices should not act unless the High Court says they may properly do so.

On the general question, the following cases may be consulted : *R.* v. *Middlesex JJ., ex parte Bond* [1933] 2 K.B. 1 ; *Craxton* v. *Craxton* (1907) 71 J.P. 399 ; *Higgs* v. *Higgs* [1935] P. 28 ; *Knott* v. *Knott* [1935] P. 158, and *Kilford* v. *Kilford* [1947] 2 All E.R. 381.

6.—Magistrates—*Procedure—Civil debt—Exclusive remedy.*

We should be much obliged if you would give us an opinion on the meaning of the word " summarily " in s. 14 (5) *(a)* of the Agriculture (Miscellaneous War Provisions) Act, 1940. The question is whether the word " summarily " means that sums due from landowners in respect of land drainage which are recoverable under that section must be taken before justices, or whether the owner can be sued in the county court. In other words, does the word " summarily " mean that the proceedings can only be taken before a court of summary jurisdiction A.S.J.

Answer.

Yes : *St. Pancras Vestry* v. *Batterbury* (1857) 21 J.P. 424, though decided before the Summary Jurisdiction Act, 1879, which is the present procedural statute, is still good law. Where Parliament intends an alternative *forum* to be available, it says so : *e.g.*, Public Health Act, 1875, s. 261, giving a limited exception from s. 251 ; Local Government Act, 1933, s. 233 ; Public Health Act, 1936, s. 120.

7.—Rating and Valuation—*Section* 11 *of R. & V. Act*, 1925—*Cottage occupied by squatters.*

Is the owner or occupier liable for payment of rates in the above-mentioned case ? ARV.

Answer.

The occupier mentioned in the query is, we take it, the squatter. Since he is, *ex hypothesi*, occupying adversely to the owner, he is not a tenant, and the cottage is unlet. But we see no reason to suppose that the owner is not liable under s. 11 (1) or s. 11 (2) as the case may be.

8.—Road Traffic Acts—*Red petrol—Motor Fuel (Control) Order*, 1948, *art.* 8—*Motor Spirit (Regulation) Act*, 1948, *s.* 3 (2)—*How can petrol removed from a car tank under s.* 3 (2) *legally be disposed of ?*

Regulation 8 of the Motor Fuel (Control) Order, 1948, provides for the use for police services of petrol " seized or confiscated under the provisions of any Order made under reg. 55 of the Defence (General) Regulations, 1939, or of any enactment." Apart from the usual police powers in cases where larceny of petrol is suspected, there appears to be no provision which empowers the seizure of commercial petrol in the tank of a private vehicle, beyond the taking of samples by authorized persons under the provisions of s. 10 of the Motor Spirit (Regulation) Act, 1948.

Where commercial petrol is found in the tank of a private vehicle, and there are statutory grounds of defence, the Act provides that the owner or person in charge shall remove the petrol from the tank as soon as it is reasonably practicable. The position where the putting in is genuinely accidental is clear, but your opinion is sought regarding circumstances where commercial petrol is discovered knowingly being used in a private vehicle. It must, of course, still be removed, and the question then arises as to its disposal.

Further offences occur if it is wasted or sold, it cannot continue to be used by the person in the tank of whose vehicle it was found—usually having been acquired in circumstances other than against the surrender of valid coupons—and, in this part of the country, has generally been taken possession of by the police and produced at subsequent court proceedings (in addition to the sample), as evidence of the amount of petrol found to be in the tank of the vehicle concerned.

Up to the present time the right to do this has never been challenged, and both justices' clerk and prosecuting counsel have expressed the opinion that its disposal was covered by reg. 8 of the Motor Fuel (Control) Order, 1948, and that a court order was not necessary.

An opinion has now been advanced that the police should not take possession of petrol (apart from samples) in these circumstances and, further, that if it is taken when thought to be the proceeds of larceny, the petrol should be returned to the defendant if this particular charge is not proceeded with, despite the fact that he may be subsequently prosecuted and convicted of using commercial petrol in a private vehicle, arising from the same set of circumstances.

Do you agree with this opinion ; if so, what can legally be done with the petrol so returned ? J.K.T.

Answer.

Article 8 of the order refers only to petrol seized or confiscated under an order or enactment. We can find no authority for a court to make an order confiscating petrol found in the tank of a private car and no authority for the police to seize it, or to take possession of it except in the cause of proceedings for stealing it.

The matter does not seem to be covered by any order or enactment. We hesitate to say that the police should return red petrol to someone who they know is not entitled to use it. We can only suggest that application should be made to the Ministry of Fuel and Power (either by the police who have taken possession of petrol or by a car owner who has removed it from his tank) for information as to how such petrol should be dealt with.

It is a question on which an authoritative pronouncement by the Ministry would be most helpful.

OFFICIAL ADVERTISEMENTS, TENDERS, ETC. (*contd.*)

BOROUGH OF GOOLE

Appointment of Town Clerk

APPLICATIONS are invited from Solicitors with considerable local government experience for the appointment of Town Clerk.

Salary scale—£1,100 : £50—£1,300. Estimated population—19,560.

Conditions of Service as set out in Second Schedule to Memorandum of Recommendations of the Joint Negotiating Committee for Town Clerks, etc., dated September 8, 1949.

Further particulars obtainable from the undersigned.

Closing date—Monday, March 6, 1950.

Canvassing, directly or indirectly, will disqualify.

J. YATES,
Town Clerk.

Municipal Offices,
Goole, Yorkshire.
February 7, 1950.

COUNTY BOROUGH OF HALIFAX

Appointment of Assistant Solicitor

APPLICATIONS are invited for the appointment of Assistant Solicitor at a salary in accordance with Grade Va of the A.P.T. Division of the National Scheme of Conditions of Service, *i.e.*, £550 to £610 per annum, proceeding after two years' legal experience from the date of admission as a Solicitor to Grade VII, *i.e.*, £635 to £710 per annum.

The appointment will be subject to the provisions of the Local Government Superannuation Act, 1937, and termination by one month's notice.

Relationship to any member or officer of the council must be disclosed, and canvassing directly or indirectly will be a disqualification.

Applications, stating age, qualifications and experience, accompanied by copies of two recent testimonials, should be delivered to me not later than February 25, 1950.

RICHARD de Z. HALL,
Town Clerk.

Town Hall,
Halifax.

CITY OF LEEDS

Appointment of Full-time Female Probation Officer

APPLICATIONS are invited for the above appointment.

Applicants must be not less than 23 nor more than 40 years of age except in the case of a service full-time Probation Officer. The appointment will be subject to the Probation Rules, 1949, and the salary will be in accordance with such rules and subject to superannuation deductions.

The successful candidate will be required to pass a medical examination.

Applications, stating age and qualifications and experience, together with copies of not more than two recent testimonials, must reach the undersigned not later than Friday, March 3, 1950.

T. C. FEAKES,
Secretary to the Probation Committee.

The Town Hall,
Leeds, 1.

CORNWALL COMBINED PROBATION AREA

Appointment of Full-time Male Probation Officer

APPLICATIONS are invited for the appointment of a full-time Male Probation Officer for the Western Area of the County of Cornwall.

The appointment will be subject to the Probation Rules, 1949, and the Probation Officers (Superannuation) Order, 1948, and the salary will be in accordance with the scale prescribed by the Rules. The successful candidate will be required to pass a medical examination. The officer will be required to provide a motor car and an allowance will be paid in accordance with the scale adopted by the Probation Committee for the Combined Area.

Applications, stating age, qualifications and experience, and accompanied by copies of not more than three recent testimonials must reach the undersigned not later than March 31, 1950.

E. T. VERGER,
Clerk of the Cornwall Combined Probation Area Committee.

County Hall,
Truro.
February 10, 1950.

COUNTY OF BEDFORD

Petty Sessional Division of Luton

Appointment of Part-time Clerk to the Justices

APPLICATIONS are invited from Solicitors (preferably with experience of the work of a Justices' Clerk's office) for the above part-time appointment and to act as Collecting Officer.

The person appointed must provide office accommodation in Luton or Dunstable, clerical assistance and all necessary books, postages, and other expenses, but Magisterial forms, stationery, Registers and certain necessary legal text books are paid for by the Standing Joint Committee.

The inclusive salary will be £800 per annum, and shall be deemed to be the remuneration for all business which by reason of his office as Justices' Clerk he may now and in the coming into operation of the Justices of the Peace Act, 1949, be required to perform.

The appointment may be terminated by three months' notice on either side.

The successful candidate must be prepared to begin his duties on April 1, 1950.

Applications, stating age, qualifications and experience, together with copies of three recent testimonials (marked "Justices' Clerk") must reach the undersigned not later than March 1, 1950.

The canvassing of the Justices will be regarded as a disqualification.

F. W. F. LATHOM,
Clerk to the Justices.

20, King Street,
Luton, Beds.

LECTURES

GRESHAM COLLEGE, Basinghall Street, E.C.2. Four lectures on "What Damages?" by Eric Sachs, Esq., K.C., on Monday to Thursday, February 20 to 23. Lectures are free and begin 5.30 p.m.

BOROUGH OF HEMEL HEMPSTEAD

Deputy Town Clerk

SOLICITORS and others with local government experience are invited to apply for the post of Deputy Town Clerk. The salary will be within the range from A.P.T. VII to A.P.T. IX inclusive according to the possession or otherwise of a legal qualification and to the extent of local government experience. Further particulars of the appointment can be obtained from me. Applications (stating age, full particulars of legal qualification, local government experience, salary required and the names and addresses of two persons to whom reference may be made) must reach me by Wednesday March 1, 1950.

C. W. G. T. KIRK,
Town Clerk.

BOROUGH OF ST. MARYLEBONE

Appointment of Deputy Town Clerk

APPLICATIONS are invited from qualified Solicitors not exceeding 45 years of age for the permanent appointment of Deputy Town Clerk at a commencing salary at the rate of £1,260 per annum, rising by annual increments of £50 to £1,460 per annum.

Applicants must have had previous experience of the general and legal work of a Town Clerk's office.

The person appointed will be required to devote the whole of his time exclusively to the service of the Council and will not be allowed to engage in private practice or undertake any work outside the Council's service except with the previous consent in writing of the Council.

The appointment will be subject to satisfactory medical examination by the Council's Medical Officer; to proof of age by production of birth certificate; to the National Scheme of Conditions of Service as adopted by the Council; and to compliance with the provisions of the St. Marylebone Borough Council (Superannuation) Acts, 1908-1936 and any modifications thereof. The appointment will be terminable by three months' notice on either side.

Forms of application are not issued, but candidates must write stating age, professional qualifications, present position, particulars of past appointments and all other essential information.

Applications must be accompanied by the names of not more than three persons to whom reference as to character and ability can be made, and must be delivered to the Town Clerk, Town Hall, St. Marylebone, W.1., in sealed envelopes endorsed "Deputy Town Clerk" not later than Saturday, February 25, 1950.

The Council's Standing Orders provide that canvassing shall disqualify an applicant.

INQUIRIES

BOROUGH OF MARGATE

Temporary Conveyancing Clerk

APPLICATIONS are invited for the above appointment at salary A.P.T. Grade III of the National Salary Scales (£450 – £15 to £495 per annum) in the Town Clerk's Office.

Applicants must have had experience in conveyancing (including compulsory acquisitions) contracts and agreements and must be capable of acting with slight supervision. Local Government experience and ability to type will be an advantage.

The appointment is for a period of approximately two years and will be determinable by one month's notice on either side.

Applications, together with the names and addresses of three referees, must reach me by March 6, 1950.

Canvassing, directly or indirectly, will be considered a disqualification, and applicants must disclose any relationship within their knowledge to a member or senior officer of the Council.

T. F. SIDNELL,
Town Clerk.

40, Grosvenor Place,
Margate.

BOROUGH OF OLDBURY

Assistant Solicitor

APPLICATIONS are invited for the above appointment on Grade A.P.T. V (a) of the National Salary Scales (£550 x £20—£610).

Particulars and conditions of appointment together with form of application, may be obtained from the undersigned, to whom applications must be delivered not later than March 4, 1950.

ARTHUR CULWICK,
Town Clerk.

Municipal Buildings,
Oldbury.
February 17, 1950.

METROPOLITAN BOROUGH OF PADDINGTON

Assistant Conveyancing Clerk

APPLICATIONS are invited from experienced solicitor's clerks, between 30 and 45 years of age, for the appointment of Assistant Conveyancing Clerk in the office of the Town Clerk, at an inclusive annual salary of £510, rising by annual increments of £15 to £555 (A.P.T. IV).

Applicants must be experienced conveyancers and competent general draftsmen.

The appointment will be subject to the Council's Superannuation Acts; the National Joint Council's Scheme of Conditions of Service and may be terminated by one month's notice on either side.

Applications stating age, present and past appointments with length of service, together with the names of three persons to whom reference may be made, should reach me by first post on Thursday, March 2, 1950.

W. H. BENTLEY,
Town Clerk.

Town Hall,
Paddington, W.2.
February 9, 1950.

CITY OF BIRMINGHAM

Assistant Solicitor

APPLICATIONS are invited from solicitors for the appointment of Assistant Solicitor in the Town Clerk's Department, the vacancy arising consequent upon promotion in the office. Candidates must have extensive conveyancing experience but local government experience, whilst desirable, is not essential. The salary scale will be in accordance with Grade X (£850 x £50—£1,000 per annum).

The successful candidate will be required to pass satisfactorily a medical examination, to devote the whole of his time to the duties of the office and to contribute to the Birmingham Superannuation Fund.

Applications, stating age and full particulars of experience, accompanied by copies of not more than three recent testimonials and endorsed "Assistant Solicitor," should reach the undersigned on or before March 3, 1950.

Canvassing is a disqualification.

J. F. GREGG,
Town Clerk.

Council House,
Birmingham 1.
February 10, 1950.

BOROUGH OF BOSTON

Assistant Solicitor

APPLICATIONS are invited for the above appointment in the Town Clerk's Department, at a salary in accordance with Grade A.P.T. V (a) of the National Scales of Salaries (£550—£20—£610).

Further details of the appointment may be obtained from the undersigned, by whom applications, on the form provided, in envelopes endorsed "Assistant Solicitor" must be received by March 4, 1950.

C. L. HOFFROCK GRIFFITHS,
Town Clerk.

Municipal Buildings,
Boston,
Lincs.

CITY OF LIVERPOOL

APPLICATIONS are invited for the appointment of a full-time Male Probation Officer. Applicants must be not less than 23 years, nor more than 40 years of age, unless at present serving as a full-time Probation Officer.

Salary not less than £305 per annum, nor more than £400 per annum, according to age, rising by annual increments to £570 per annum, subject to superannuation deductions.

The appointment will be in accordance with the Probation Rules.

Application forms can be obtained by sending a stamped and addressed envelope to the undersigned, and must be completed and returned not later than February 28, 1950.

H. A. G. LANGTON,
Clerk to the Justices and Secretary to the Probation Committee.

City Magistrates' Courts,
Liverpool, 2. (2192).

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